

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

Michael Masecchia


Defendant.

19-CR-227-JLS

DECLARATION OF PUBLICATION

In accordance with 21 U.S.C. § 853(n)(1) and Rule 32.2(b)(6)(C) of the Federal Rules of Criminal Procedure, notice of the forfeiture was posted on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on January 05, 2021 and ending on February 03, 2021. (See, Attachment 1).

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 05, 2021 at Buffalo, NY.


Cheryl LoTempio
Paralegal

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK
COURT CASE NUMBER: 19-CR-227-JLS; NOTICE OF FORFEITURE**

Notice is hereby given that on December 28, 2020, in the case of U.S. v. Michael Masecchia, Court Case Number 19-CR-227-JLS, the United States District Court for the Western District of New York entered an Order condemning and forfeiting the following property to the United States of America:

\$27,950 United States currency (19-ICE-003114) which was seized from Michael Masecchia on August 23, 2019 at 5907 Main Street, located in Williamsville, NY

Ten 20 gauge slugs; 56 rounds of 9mm ammunition; 25 .410 gauge shotgun shells; One Mecgar 9mm magazine; and Ten 12 gauge shotgun shells (19-ICE-003115) which was seized from Michael Masecchia on August 23, 2019 at 5907 Main Street, located in Williamsville, NY

1 Keltec Rifle SN E3T96 1 Remington Savage Rifle SN B361093 1 Remington Shotgun SN TL062987 1 New England Firearms Shotgun SN 399197 1 Mossberg Shotgun SN K911699 1 Mossberg Shotgun R134294; 1 Remington Shotgun SN 58541 1 Masterpiece Arms Pistol F14805 (20-ICE-001705) which was seized from Michael Masecchia on August 23, 2020 at 5907 Main Street, located in Williamsville, NY

The United States hereby gives notice of its intent to dispose of the forfeited property in such manner as the United States Attorney General may direct. Any person, other than the defendant(s) in this case, claiming interest in the forfeited property must file an ancillary petition within 60 days of the first date of publication (January 05, 2021) of this Notice on this official government internet web site, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure and 21 U.S.C. § 853(n)(1). The ancillary petition must be filed with the Clerk of the Court, U.S. District Clerk's Office, 2 Niagara Square Room 200, Buffalo, NY 14202, and a copy served upon Assistant United States Attorney Grace Carducci, 138 Delaware Avenue, Federal Centre, Buffalo, NY 14202. The ancillary petition shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought, pursuant to 21 U.S.C. § 853(n).

Following the Court's disposition of all ancillary petitions filed, or if no such petitions are filed, following the expiration of the period specified above for the filing of such ancillary petitions, the United States shall have clear title to the property and may warrant good title to any subsequent purchaser or transferee.

The government may also consider granting petitions for remission or mitigation,

which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition for remission need not be made in any particular form and may be filed online or in writing. You should file a petition for remission not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition for remission form that may be mailed and the link to file a petition for remission online. If you cannot find the desired assets online, you must file your petition for remission in writing by sending it to Assistant United States Attorney Grace Carducci, 138 Delaware Avenue, Federal Centre, Buffalo, NY 14202. This website provides answers to frequently asked questions (FAQs) about filing a petition for remission. You may file both an ancillary petition with the court and a petition for remission or mitigation.



Advertisement Certification Report

The Notice of Publication was available on the www.forfeiture.gov web site for at least 18 hours per day between January 5, 2021 and February 03, 2021. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. Michael Masecchia

Court Case No: 19-CR-227-JLS
For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	01/05/2021	23.9	Verified
2	01/06/2021	23.9	Verified
3	01/07/2021	23.9	Verified
4	01/08/2021	23.9	Verified
5	01/09/2021	23.8	Verified
6	01/10/2021	23.9	Verified
7	01/11/2021	23.9	Verified
8	01/12/2021	23.9	Verified
9	01/13/2021	23.9	Verified
10	01/14/2021	24.0	Verified
11	01/15/2021	24.0	Verified
12	01/16/2021	23.9	Verified
13	01/17/2021	23.9	Verified
14	01/18/2021	23.9	Verified
15	01/19/2021	23.9	Verified
16	01/20/2021	23.9	Verified
17	01/21/2021	23.9	Verified
18	01/22/2021	23.9	Verified
19	01/23/2021	23.8	Verified
20	01/24/2021	23.9	Verified
21	01/25/2021	23.8	Verified
22	01/26/2021	23.9	Verified
23	01/27/2021	23.9	Verified
24	01/28/2021	24.0	Verified
25	01/29/2021	24.0	Verified
26	01/30/2021	23.9	Verified
27	01/31/2021	23.9	Verified
28	02/01/2021	23.9	Verified
29	02/02/2021	23.9	Verified
30	02/03/2021	23.8	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.